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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,932	03/31/2004	Dan J. Schroer	WK/2004-10/US	5797
7590 08/08/2005			EXAMINER	
WARD KRAFT, INC.			PAIK, STEVE S	
P.O. BOX 938			ART UNIT	
FORT SCOTT, KS 66701			PAPER NUMBER	
			2876	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,932

Applicant(s)

SCHROER, DAN J.

Examiner

Steven S. Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date, _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Receipt is acknowledged of the Amendment filed May 23, 2005. The applicant amended claims 1, 8, 9, 13, and 19-22.

Claim Objections

2. Claims 13-20 are objected to because of the following informalities:

Re claim 13:

“said first data” in line 11 and “said data set” in line 14 appear to be lacking a proper antecedent basis.

“business form” in line 13 appears to be missing a word, -- first -- in front of the phrase.

- Claims 14-20 are objected to because of their dependent relationship with claim 13.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 7, 8, and 13-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Riley (US 6,748,687 B2).

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Re claims 1, 7, 8, 13 and 21, Riley discloses a system and method for providing recognition elements (patient information) to a small group (visitors) or family (infant, mother, and father), comprising:

a number of prepackaged business forms (a page-sized, multi-layered admission form 20 in Fig. 1) each with at least one detachable printable identification bands (30), each of the bands sized and configured to fit around an appendage (wrist or ankle);

readable software to enable the rendering of information to at least one of said bands contained within said package (col. 4, ll. 15-32);

a computer means for reading said readable software (software may be conveniently written to allow its automatic processing by the admitting clerk all at the same time without re-loading paper trays on printers or requiring additional printers);

an input means (such as a keyboard) for inputting information into said computer means based on inquiries received from said software;

a connection means (cable) for connecting said computer means to a printer (a printer inherently has to be connected by either wired or wirelessly manner to the computer means to properly generate outputs based on the patient information inputted by the admitting clerk); and

said printer for imaging static and distinct indicia (Fig. 8) on each of said bands and said business forms for each member of a group (visitors) or family (mother, father, baby).

Re claim 14, Riley discloses the method as recited in rejected claim 13 stated above, wherein each of said wristbands created through the method is provided with personalized and fixed information (col. 6, ll. 27-34).

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Re claim 15, Riley discloses the method as recited in rejected claim 14 stated above, wherein said fixed information is selected from a group including family information, group data, dates of an activity, name of an activity, place of an activity (admission) and combinations thereof (col. 6, ll. 27-34).

Re claim 16, Riley discloses the method as recited in rejected claim 14 stated above, wherein said personalized information is selected from a group including physical descriptions of participants, birth dates (Fig. 8), name and addresses, phone numbers, contact information and combinations thereof (col. 6, ll. 27-34).

Re claim 17, Riley discloses the method as recited in rejected claim 14 stated above, including an additional step of positioning at least one wristband in a printer prior to the step of printing said at least one wristband (col. 2, ll. 41-54).

Re claim 18, Riley discloses the method as recited in rejected claim 14 stated above, including an additional step of placing said at least one wristband on a participant for the activity after the step of printing said at least one wristband (col. 9, ll. 39+).

Re claim 19, Riley discloses the method as recited in rejected claim 14 stated above, including an additional step of removing said at least one wristband from a participant after the step of placing (When the parents and the baby are released from a hospital, the wristbands are removed after a proper verification of the authenticity of the wearer.).

Re claim 20, Riley discloses the method as recited in rejected claim 14 stated above, including an additional step of sealing said at least one wristband to create a laminated wristband after the step of printing said at least one wristband (col. 4, ll. 51+).

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-6, 9-12, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riley (US 6,748,687) in view of Mullins et al. (US 2004/0056088 A1).

Re claims 2-6, 9-12, and 22, Riley discloses a system for providing a number of prepackaged business forms (a paper-sized multi-layered form 20) each with at least one detachable printable identification band (30). The system uses computer readable software to collect and input patient information (col. 4, ll. 15-32) and a laser print to print the collected patient information. Riley further discloses that the identification bands are generated by a computer means using appropriate software to input patient information and print out the collected information. The software may be provided in any magnetic or optical storage device that can communicate with a conventional computer. For example, a floppy disk, a compact disc, or a portable memory is well suited for storing and transporting digital data such as programming code.

However, Riley is silent about the computer system including a communication link.

Mullins et al. disclose a bar coded wristband, which comprises a unique customer data, in use for a financial transaction system. The financial transaction system comprises communication links including both a LAN and a global communication network ([0030]-[0031]). The communication links would enhance the efficiency of

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data communication for processing financial transaction data associated with the bar coded wristband data. The bar coded wristband (10) further comprises an area (36 and 38) for printing images for promotional purposes ([0028]).

In view of Mullins et al., it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ a communication network in addition to the system of Riley due to the fact that more data can be accurately processed without having a physical limitation of a location.

Response to Arguments

7. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-22 are rejected under 35 U.S.C. § 102(e) or 103(a) as discussed above.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Mon - Fri (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven S. Paik
Primary Examiner
Art Unit 2876

ssp